GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2631
ANSWERED ON:02.08.2016
Crime against SC/ST Community
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Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether various types of atrocities and crimes against Scheduled Castes (SCs), Scheduled Tribes (STs), weaker sections and Minorities have reportedly increased in the country;

(b) if so, the total number of such cases registered separately, guilty arrested, convicted, cases solved/unsolved, conviction rate achieved and the steps taken to improve the conviction rate along with the action taken against the guilty during each of the last three year and the current year, crime, gender and State-wise including Gujarat;

(c) whether the Government has conducted any study to identify the reasons behind such increase, if so the details and outcome thereof;

d) whether the Government has provided any legal assistance to such victims and if so, the details thereof; and

(e) the other steps taken by the Government to prevent such cases in future along with the details of advisories issued to the States and Police Departments in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)
(a) & (b): As per information provided by the National Crime Records Bureau (NCRB), a total of 39408, 47064 and 45003 cases of total crimes against Scheduled Castes (which includes non atrocities cases also) and a total of 6793, 11451 and 10914 cases of total crimes against Scheduled Tribes (which includes non atrocities cases also) were reported during 2013, 2014 and 2015 respectively. Data for the year 2015 is provisional. NCRB has no inputs on crime against weaker sections and minorities. State/UT wise (Including Gujarat) and crime head wise cases reported, cases chargesheeted, cases in which chargesheet not laid but final report submitted (unsolved), cases convicted, cases convicted rate, persons arrested, persons chargesheeted and persons convicted under crimes against Scheduled Castes and Scheduled Tribes during 2013-2015 is enclosed at Annexure-I & II. Gender wise number of victims under crimes against Scheduled Castes & Scheduled Tribes during 2014-2015 is enclosed at Annexure-III & IV.
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(c): Government has not conducted any study to identify the reasons behind such increase.

(d): The cases of offences against members of SCs and STs registered under the PoA Act are required to be conducted in Special Courts and Exclusive Special Courts by Special Public Prosecutors and Exclusive Special Public Prosecutors respectively, as per section 15 of the PoA Act amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (No. 1 of 2016). Further sub-rule (5) of Rule of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 as amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) amended Rules, 2016, provides that the District Magistrate or the Sub-Division Magistrate may, if deem necessary or if so desired by the victims of atrocity engage an eminent Senior Advocate for conducting cases in the Special Courts of the Exclusive Special Courts on fee as the District Magistrate or the Sub-Division Magistrate may consider appropriate.
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(e): As per the seventh schedule to the Constitution of India `Police` and `Public Order` are State subjects and, as such, the primary responsibility of prevention, detection, registration, investigation and prosecution of all crimes, within their jurisdiction lies with the State Governments/ Union Territory Administrations. However, Ministry of Home Affairs has issued Advisories dated 23rd May, 2016 on "The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015", dated 1st April, 2010 on "Measures needed to curb crime against Scheduled Castes/ Scheduled Tribes" and dated 3rd February, 2005 on "Need for effective implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989" which are available at
http://mha.nic.in/sites/upload_files/mha/files/Advisory23052016_improve.pdf

http://www.mha.nic.in/sites/upload_files/mha/files/pdf/Advisory-SCST_010610.pdf
http://www.mha.nic.in/apcr

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The Ministry of Social Justice & Empowerment has been addressing the State Governments/ Union Territory Administrations to implement the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in letter and spirit. The Secretary, Department of Social Justice and Empowerment has also addressed D.O. letters dated 05.06.2015 and 09.06.2015 to the Chief Secretaries of concerned States/UTs with emphasis on the specific points for appropriate action, i.e. timely registration of the FIR and filling of charge sheet in the Court, minimizing pendency and improving conviction, sensitization of officers, awareness generation, publicity of provisions of the PoA Act.

With an objective to deliver members of SCs and STs, a greater justice as well as be an enhanced deterrent to the offenders, the PoA Act has been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (No. 1 of 2016), notified in the Gazette of India Extraordinary on 01.01.2016 and enforced with effect from 26.01.2016. The Secretary, Department of Social Justice and Empowerment has also addressed D.O. letter dated 19.5.2016 to the Chief
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Secretaries of concerned States/UTs with request to implement the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (1 of 2016). The State Governments and Union Territory Administrations are also provided Central assistance for effective implementation of the Act, under a Centrally Sponsored Scheme for implementation of the PCR and PoA Acts, mainly for strengthening of enforcement and judicial machinery, relief and rehabilitation of victims of atrocities, incentive for inter-caste marriages where one of the spouses is a member of a Scheduled Caste and awareness generation. A Committee under the Chairpersonship of Union Minister for Social Justice & Empowerment which was constituted in the year 2006 also from time to time reviews implementation status of the PCR and PoA Acts in States and Union Territories.
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